

EXHIBIT 23

To the Declaration of Rakesh N.
Kilaru

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

CASE NO.: 4:20-cv-03919 CW

IN RE: COLLEGE ATHLETE NIL
LITIGATION,

_____ /

STRICTLY CONFIDENTIAL

- - - -

VIDEO DEPOSITION OF JAMES DELANY
NASHVILLE, TENNESSEE
SEPTEMBER 20, 2022

Reported by:

GINA WILLIAMS, RPR, CRR, CRC

JOB NO. 217206

1 VIDEOGRAPHER: Good morning. My name is JaaRome
2 Williams with TSG Reporting. We're now on the record
3 on September 20, 2022, and the time is 9:01 a.m.

4 This is the video deposition of James Delany
5 being held in the matter of College Athlete NIL
6 Litigation in the United States District Court,
7 Northern District of California, Oakland Division, Case
8 Number 4:20-cv-03919-CW.

9 Will counsel please introduce themselves for the
10 record.

11 MR. KESSLER: Jeffrey Kessler from Winston &
12 Strawn on behalf of the House Plaintiffs.

13 MR. SHERMAN: Scott Sherman from Winston & Strawn
14 on behalf of the House Plaintiffs.

15 MS. MILLER: Britt Miller, Mayer Brown LLP, on
16 behalf of the Big Ten Conference, Inc. and the witness,
17 James Delany.

18 MR. RICE: Nathan Rice, Mayer Brown LLP, on
19 behalf of Big Ten Conference, Inc. and the witness.

20 MR. FULLER: Robert Fuller, Robinson Bradshaw &
21 Hinson, on behalf of the Southeastern Conference,
22 Defendant in the case.

23 MS. MILLER: Are there any counsel on Zoom?

24 THE COURT REPORTER: Let me look.

25 VIDEOGRAPHER: There is one, Amy Fitts.

1 MS. MILLER: Amy, do you want to unmute and
2 identify yourself for the record, or not?

3 We'll deal with it later.

4 - - - -

5 WHEREUPON,

6 JAMES DELANY

7 was called as a witness and, after having been first duly
8 sworn, was deposed and testified as follows:

9 EXAMINATION

10 BY MR. KESSLER:

11 Q Good morning, Mr. Delany.

12 A Good morning, Mr. Kessler.

13 Q I think we've met before. I'm Jeff Kessler. I'm
14 the counsel for the Plaintiffs in this case.

15 Mr. Delany, I know you have been deposed and
16 testified before in other cases; is that correct?

17 A That's correct.

18 Q And I think one of the cases you testified in was
19 the O'Bannon case; is that correct?

20 A I think that's correct.

21 Q Were you deposed in the Alston case as well?

22 A Yes.

23 Q Have you been deposed to testify on other
24 occasions?

25 A Yes, I think I have.

1 opine.

2 Q And they generally opine on an increase of
3 50 percent or more?

4 A Yeah, I don't even know what --

5 I don't even know what structure they're talking
6 about, but they think that there's more interest to
7 networks, more teams, that kind of thing.

8 Q What about in the Big Ten Network where you're on
9 the board? Have there been any projections of how much
10 money might be realized by the impact on media of adding in
11 USC and UCLA?

12 A Well, from the Big Ten Network, you know, that's
13 a very separate process from the negotiation of those other
14 rights --

15 Q Right.

16 A -- and I'm not part of that at all.

17 So the meetings that I've been to have not dealt
18 with that issue.

19 From the standpoint of the Big Ten Network
20 business, I think it will cover basically the rights fee.

21 Beyond that, I don't think it will be
22 substantial.

23 Q In terms of the Big Ten Network, from your role
24 on the board, is it correct that most of the economics of
25 the Big Ten Network are driven by the availability of

1 football and basketball games?

2 I know you have many, many other sports included,
3 but in terms of the economics and the viewership, is that
4 driven primarily by football and basketball in the network?

5 MS. MILLER: Objection to form, foundation.

6 A Well, let's just put it this way: You couldn't
7 have a Big Ten Network without the full arrangement of Big
8 Ten sports. There's just not enough hours. They have 40
9 games and 3 -- it's 120 hours out of 8,000 -- I think
10 there's 8,000 or 5,000 hours in a year.

11 So I would say the Big Ten football and
12 basketball are -- are central to the monetization and
13 distribution, but I would also say, but for the Olympic
14 sports, women's basketball, volleyball, hockey, wrestling,
15 there's no Big Ten Network.

16 So if you were just selling rights to a game, you
17 could sell those rights in another way, but if you want to
18 have a 24/7 branding entity, grow broad-base sports for, you
19 know, 300 teams and 10,000 athletes, you have to have a
20 network.

21 BY MR. KESSLER:

22 Q Have you seen ratings data?

23 A Yeah.

24 Q In terms of, you know, is it fair to say that the
25 ratings for the college football and basketball games in the

1 Big Ten Network are significantly higher than they are for
2 the Olympic sports?

3 MR. FULLER: Objection.

4 MS. MILLER: Objection.

5 MR. FULLER: Are you saying all basketball or
6 men's basketball?

7 BY MR. KESSLER:

8 Q Well, in general, whatever you recall.

9 What do you recall of the ratings within the Big
10 Ten Network for basketball and football compared to other
11 sports, whatever you recall about it?

12 MR. FULLER: Objection.

13 A Let's just put it this way: The ratings in
14 football are good, very good, and the ratings in basketball
15 are not as good. Then women's volleyball comes next, and
16 that's a growing situation. And then probably women's
17 basketball comes next, then women's softball, then probably
18 men's baseball.

19 So these are on the -- are substantial. They're
20 substantial contributors at this point. Wasn't true 15
21 years ago, but is true today.

22 BY MR. KESSLER:

23 Q So I guess what I'm saying is, do you recall what
24 the gap is first between football and the next basketball?

25 A I don't know.